

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10103 of 2004

Between:

M/s. Vijayalaxmi Waddera Labour Contract Co.Op. Society Ltd.,
9-1-43/53/17, Presanth nagar, Langarhouse, Hyderabad, rep by
its President V. Yadagiri

..... PETITIONER

AND

The Commissioner, Alwal Municipality, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of mandamus declaring the action of respondent not following various Government orders providing concessions particularly exemptions of Earnest Money Deposit and reservation of the works following Memo No. 13628/K1/2002-1 dated 14-10-2002 is illegal, arbitrary and violation of Articles 14 and 19 (1) g of the Indian constitution and consequently direct the respondents to follow various Government orders the concessions provided for the weaker section people particularly exemption of Earnest Money Deposit and reservation of works by following Memo No. 13628/K1/2002-1 dated 14-10-2002.

For the Petitioner: MR.KOONA REDDY ANJI REDDY, Advocate

For the Respondent: MR.R.TIMMA REDDY, SC for Municipality.

The Court at the admission stage made the following :

ORDER:

This writ petition has been filed by the petitioner, seeking a direction to the respondent to follow the Circular Memo No.13628/K1/2002-1 dated 14-10-2002 issued by the Municipal Administration & Urban Development (K1) Department, Government of Andhra Pradesh (for short 'the said Memo') and extend the concessions, exemptions and reservation provided thereunder to the petitioner society.

The petitioner is Waddera Labour Contract Cooperative Society consisting of Waddera caste members. It is the case of the petitioner that various Government Departments have issued several circulars, and particularly the Municipal Administration & Urban Development (K1) Department issued Circular Memo No.13628/K1/2002-1 dated 14-10-2002, giving certain concessions to the societies like the petitioner, and giving exemption from earnest money deposit to their tenders, and providing reservation of 15% of works valuing below Rs.20 lakhs to them. The grievance of the petitioner is that without following the guidelines issued in the said Memo, the respondent is insisting the petitioner to make earnest money deposit on the tenders submitted by them in response to the tender notice dated 22-5-2004 issued by the respondent for the works below the value of Rs.20 lakhs, and that the respondent is also not reserving 15% of the works under their

Municipality to the petitioner-society. Questioning the action of the respondent in not following the said Memo in finalizing the tenders, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent–Municipality. Both the counsel requested to dispose of the writ petition at the stage of admission.

Having regard to the facts and circumstances of the case, and in view of the concessions issued under the said Memo, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent-Municipality shall follow the Memo No.13628/K1/2002-1 dated 14-10-2002, if it is still in force, while considering and admitting the tenders of the petitioner-society submitted in response to the tender Notice No.F.1/146/2004-05, dated 22-5-2004 issued by the respondent, if the tenders are not already finalized. No costs.

N.V. RAMANA, J

Date: 22-06-2004

Note:

Issue copy within two days

(Bo)

SVV

To

1. The Commissioner, Alwal Municipality, Ranga Reddy District
2. Two C.D. copies